

REMARKS/ARGUMENTS

Fig. 3 is amended to correctly identify various layers including adhesive layer 3 and SiO₂ layer 5. Withdrawal of the objections to the drawings is respectfully requested. Claims 1-8 remain pending in this application and stand rejected. Claims 1-2 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bryan (U.S. Pat. No. 6,151,153) ("Bryan"). Claims 3-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bryan in view of Holman *et al* (U.S. Pat. No. 6,832,769) ("Holman"). Claims 6-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bryan and Holman in view of Nakamura *et al* (U.S. Pat. No. 6,346,164) ("Nakamura"). Claims 1-8 also stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Chen *et al* (U.S. Pat. No. 6,866,887) ("Chen") in view of Bryan. In view of the foregoing amendments and the following remarks, reconsideration of the rejections of claims 1-8 is respectfully requested.

Claim 1 is amended to recite, in part, "applying a composition of electro-optic sensor material as a layer over the transparent electrode without using a transfer substrate". Support for this amendment is provided, for example, on page 4, lines 4-13, and Fig. 1. Because the electro-optic sensor material 4 is applied without using a transfer substrate, no adhesive layer exists between electro-optic sensor material 4 and glass substrate 6 on which electrode 7 is formed. Silicon dioxide layer 5 which is an optional layer, also shown in Fig. 1, is described, in part, on page 3, line 27 of the original disclosure.

"The PDLC 4 is a directly applied coating on an optional layer of silicon dioxide 5..."

In contrast, in Bryan the electro-optic sensor material is applied using a transfer substrate (see, for example, column 2, lines 33-51 of Bryan). The transfer substrate used by Bryan to apply the electro-optic sensor material to the glass substrate requires the use of an adhesive. Accordingly, as shown in Fig 2 of Bryan, an adhesive layer 222 exists between electro-optical modulator 220, and electrode 224 formed on substrate 226:

"As previously described electro-optical element 201 includes an electro-optical modulator material 220, an adhesive layer 222, an electrode 224, a substrate 226, an anti-reflective coating (ARC) 228, and a pellicle assembly 230....." (5:12-15)

As is known, the adhesives may degrade the performance of an electro-optical modulator. Because claim 1 does not use a transfer substrate and thus avoids the use of adhesives, the electro-optical sensor of claim 1 advantageously does not suffer from adhesive-related problems. Claim 1 is thus allowable over Bryan. Claims 2-8 are dependent from claim 1 and are thus allowable for at least the same reasons as is claim 1.

DOUBLE PATENTING

Applicants submit herewith a *Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent* in response to the rejection of claims 1-8 under the judicially created doctrine of obviousness-type double patenting. This basis for rejection is thus believed to be moot.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appln. No. 10/685,687
Amdt. dated September 9, 2005
Reply to Office Action of May 23, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 752-2424.

Respectfully submitted,



Ardeshir Tabibi
Reg. No. 48,750

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
Attachments
AT:deh
60527828 v1

Amendments to the Drawings:

Replacement drawing sheet 3 includes changes to Fig. 3. A copy of the unamended drawing sheets 1 and 2 is also attached.